

Mail completed form to:

PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD

0004-0006

RECEIVED

JUN 03 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

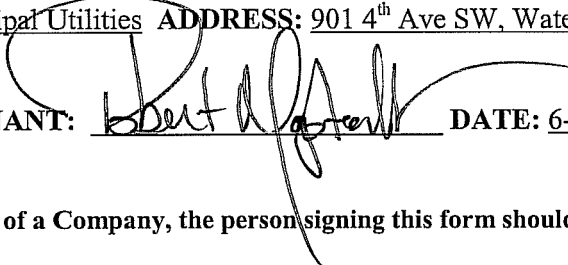
COMPLETE INFORMATION IS REQUIRED – ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL ☐ OR BUSINESS* ☒ PERSON FILING COMPLAINT: Bert Magstadt

COMPANY: Watertown Municipal Utilities ADDRESS: 901 4th Ave SW, Watertown, SD 57201 PHONE NUMBER: (605) 882-6233

SIGNATURE OF COMPLAINANT:  DATE: 6-2-04 EMAIL ADDRESS: bmagstadt@watertownmu.com

*If the complaint is files on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: LaFramboise Construction PHONE NUMBER: (605) 886-3684

ADDRESS: 204 16th St NW, Watertown, SD 57201

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES ☒ NO ☐ LOCATE TICKET #: 041390593

START DATE ON TICKET: 5-20-04

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ☒ NO ☐ N/A ☐

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ☐ NO ☐ N/A ☒

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: 1-1/4" steel natural gas service line OPERATOR OF FACILITY (IF KNOWN): Watertown Municipal Utilities

OPERATOR ADDRESS: 901 4th Ave SW, Watertown, SD 57201 PHONE NUMBER: (605) 882-6233

DEPTH OF COVER: 15-18" PRESSURE: 10 psig VOLTAGE: n/a NUMBER OF CABLE PAIRS: n/a

IV. MARKING

WERE FACILITIES MARKED? YES ☒ NO ☐ N/A ☐

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES ☒ NO ☐ N/A ☐

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES ☐ NO ☒ N/A ☐

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES ☒ NO ☐ N/A ☐

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?

YES ☐ NO ☒

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES ☒ NO ☐

IS THERE AGREEMENT? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN: _____

V. DAMAGE (IF ANY)

FATALITIES: Natural Gas Service line **INJURIES:** n/a **LENGTH OF HOSPITALIZATION:** n/a

ESTIMATED PROPERTY DAMAGE (\$): 500.00 **NUMBER OF CUSTOMERS AFFECTED:** 1

DAMAGED IN: PUBLIC ☒ PRIVATE ☐ (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES ☒ NO ☐

ADDITIONAL INFORMATION: Natural gas line was damaged the evening of 5/26/04. Contractor didn't think that he damaged pipe that bad. Pictures show that gas line was kinked and the force even bowed the pipe 5' downstream of hit area. Gas line was leaking at a dresser coupling 20' from house for 12 hours or so. Fortunately, gas did not accumulate and blow up house.

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED: 49-7A-12 Notification of Damage to Underground Facility - Civil Penalty

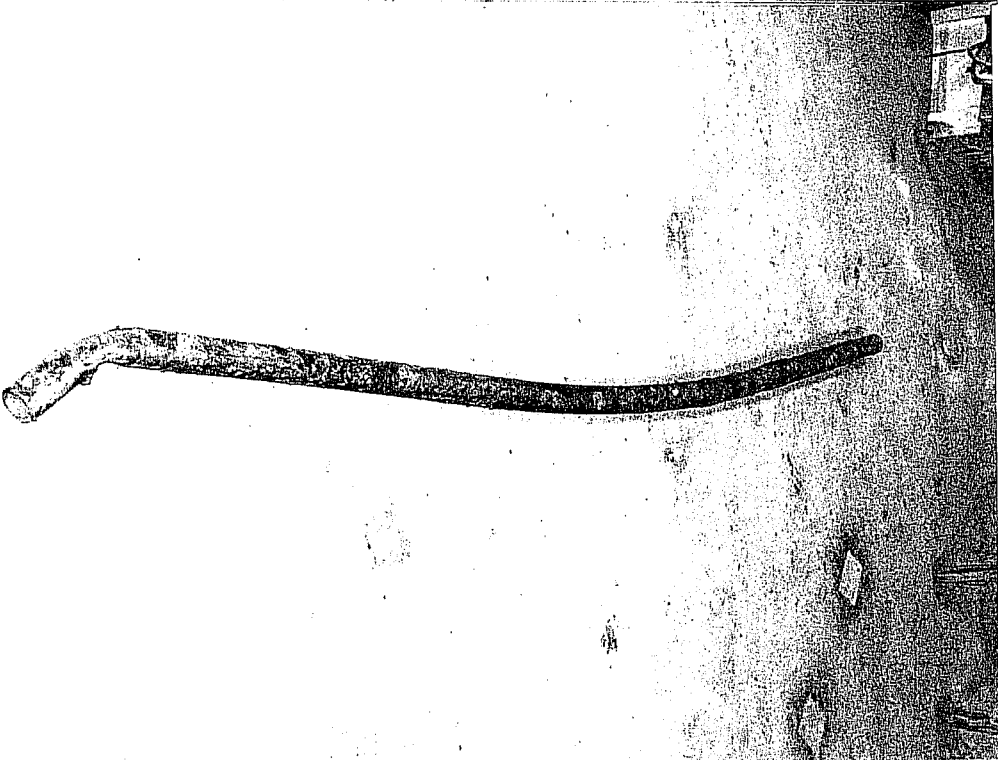
ADDRESS/LOCATION OF PROBABLE VIOLATION: 324 S Broadway, Watertown, SD 57201

DATE/TIME OF PROBABLE VIOLATION: estimate: 7:00 pm on 5/26/04

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES ☒ NO ☐

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Tom LaFramboise, owner of LaFramboise Construction

DESCRIPTION OF PROBABLE VIOLATION: LaFramboise Construction was excavating for a street project and hit a gas line. Tom LaFramboise said he hopped out of his equipment after he hit the line and looked at it and didn't smell anything so figured it was not broke. When the line was hit, the force loosened a dresser coupling downstream of the area that was hit. This leak was within 20' of 324 S. Broadway. On the following morning, 5/27/04, at around 8:15 am, one of Watertown Municipal Utility's locators stopped by the project to check up on all of the contractors working this street project and to touch up locating marks. He went to talk to Tom LaFramboise about his work area to make sure everything was marked where he was working. Tom then told our employee about the damaged line, which in turn, our employee called a gas crew and started investigating the damaged line. Fortunately the dresser coupling did not come loose very much, but gas was leaking from the line and the gas could of accumulated if this situation happened over the weekend, possibly causing the house to blow up. The issue I have is he knowingly damaged a gas line and failed to notify the operator, or atleast the One-Call, in accordance to 49-7A-12, until the following morning. In fact, if one of our employees didn't stop by the job site, I doubt he would of called it in.



324 S BROADWAY
WATERLOO, SD

DRESSER COUPLING WAS
LOCATED BY EDGE OF
SIDEWALK.

DAMAGED SECTION OF
1-1/4" STEEL GAS PIPE.

NOTICE BOW IN PIPE
NEAR TOP OF PHOTO.

DRESSER COUPLING WAS
LOCATED ON TOP END OF PIPE
IN PHOTO.

DAMAGE FROM CONTRACTOR
IS ON PIPE NEAR BOTTOM OF
PHOTO.

BETTER PICTURE SHOWING
DAMAGE CAUSED BY
CONTRACTOR